

Excerpts
Unapproved Planning Commission Minutes
December 11, 2002

Application No. ZT-70-03, York County Planning Commission: Request to amend the York County Zoning Ordinance (Chapter 24.1, York County Code) to revise the use regulations applicable to Group Homes. Specifically, revisions are proposed to the definitions of "Family" and "Group Home" set out in Section 24.1-104, to the Table of Land Uses listing for Group Homes set out in Section 24.1-306, and to the Standards for Group Homes set out in Section 24.1-408.

Mr. Mark Carter explained the application and said approval would bring the Zoning Ordinance into compliance with sections of the State Code dealing with group homes for handicapped and disabled residents as well as a section amended in 1998 that applies to localities with populations between 55,800 and 57,000, which now includes York County, that requires allowances for group homes housing aged and infirm residents. In addition, the proposed amendments will create a new definition and listing for "transitional homes" in which a broader range of occupants could be offered temporary living quarters.

There was a brief discussion about the number of residents and staff permitted to reside in group homes. It was agreed that proposed performance standard (g) should be clarified to indicate the residency limits were "exclusive of staff."

Chair Hendricks opened the public hearing. There were no public comments; he closed the public hearing.

PC02-47(R)

On motion of Mr. Simasek, which carried 5:0 (Mr. Barba absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-70-02, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO REVISE THE DEFINITION AND USE REGULATIONS APPLICABLE TO GROUP HOMES AND TO REVISE THE DEFINITION OF FAMILY

WHEREAS, in accordance with Section 24.1-302 of the Zoning Ordinance, the Zoning Administrator has evaluated a proposal for a group living facility and has determined that the use is one "not provided for," thereby causing the proposal to be forwarded to the Planning Commission for consideration; and

WHEREAS, the Planning Commission has determined that it would be consistent with good zoning practice to consider amendments to expand the definition of "group home" to

include opportunities for occupancy by residents who are not necessarily "handicapped," as is the current requirement and, accordingly, has sponsored Application No. ZT-70-03; and

WHEREAS, the Planning Commission has considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the Commission has determined that the proposed amendments should be recommended for approval;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of December, 2002 that it does hereby recommend approval of the following amendments to Chapter 24.1, Zoning, of the York County Code:

Amend Section 24.1-104, Definitions, as follows:

* * *

Family. An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single-family residential occupancy, this term also shall be deemed to encompass the residents of group homes or other residential facilities, as defined in Section 15.2-2291 of the Code of Virginia, which are licensed by the department of mental health, mental retardation and substance abuse services or the department of social services and which are occupied by not more than eight (8) mentally ill, mentally retarded, developmentally disabled, elderly or handicapped aged, infirm or disabled persons together with one (1) or more resident counselors. Mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401, Code of Virginia.

* * *

Group home. A dwelling unit shared by more than four (4) or more unrelated handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide or facilitate care, education, and participation in community activities for the residents with the primary goal of enabling residents persons -who are handicapped, mentally ill or retarded, developmentally or physically disabled, or who because of age or other physical infirmity, require the protection or assistance of a group setting, to live as independently as possible in order to reach their maximum potential. -As used herein, the term "handicapped" shall mean having:

- A physical or mental impairment that substantially limits one or more of a person's major life activities so that such person is incapable of living independently; or
- A record of having such an impairment; or
- Being regarded as having such an impairment.

"Handicapped" shall not, however, include current illegal use of or addiction to a controlled

substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

Transitional home. A dwelling unit, other than a group home, shared by more than four (4) unrelated persons, including resident staff, who live together temporarily as a single housekeeping unit, and in which staff persons. The following and similar types of occupancy shall be considered to be transitional housing:

- Temporary quarters for victims of physical or emotional abuse;
- Temporary or emergency quarters for children or adults needing room and board and support services that would lead to self-sufficiency and permanent shelter.

The term "transitional home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

Amend Section 24.1-306, Table of Land Uses, Category 1, as follows:

Sec. 24.1-306 Table of Land Uses

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
	CATEGORY 1 - RESIDENTIAL USES													
1. Residential - Conventional														
a) Single-Family, Detached	P	P	P	P		S								
b) Single-Family, Attached														
• Duplex				S		P								
• Townhouse						P								
• Multiplex						P								
c) Multi-Family						P								
d) Manufactured Home (Permanent)					P									
2. Residential (Cluster Techniques Open Space Development)														
a) Single-Family, Detached	P	P	P	P										
b) Single-Family, Attached														
• Duplex	S	S	S	S										
3. Apartment Accessory to Single-Family Detached	P	P	P	S										
4. Manufactured Home Park					S									
5. Boarding House		S				S								
6. Tourist Home, Bed and Breakfast		S	S	S		S		P	P					
7. Group Home (for more than 8 occupants)		S	S	S		S P								
8. Transitional Home		S	S	S		S								

Amend Section 24.1-408, Standards for Group Homes (w/more than 8 occupants) and Transitional Homes, as follows:

Sec. 24.1-408. Standards for group homes (w/ more than 8 occupants) and transitional homes.

- (a) The maximum number of persons accommodated in any group home or transitional home shall not exceed twelve (12) exclusive of resident staff, provided however, that the board may specify a greater or lesser number in consideration of the density and character of the surrounding area and the characteristics of the site itself.
- (b) The external appearance and arrangement of such facility shall be of a form and character which is compatible with the appearance and arrangement of other residential uses in the general area.
- (c) All off-street parking and loading in excess of that required of single-family detached dwellings shall be located not less than twenty-five feet (25') ~~{7.6m}~~ from any residential property line and shall be effectively screened from view from adjacent residential properties by a Transitional Buffer Type 25.
- (d) Such facility shall comply at all times with all applicable licensing requirements of the appropriate state regulatory agencies.
- (e) Such facility shall be under 24-hour/day care and supervision of a professional staff person (or persons), one or more of whom may also reside in the facility. The required professional qualifications of the supervisory staff shall be submitted for review as part of the zoning authorization process.
- (f) The facility may include and offer on-site counseling, education and training services for residents. However, such services may not be offered at the premises to non-residents.
- (g) The minimum lot size for such facility ~~group homes~~ shall be based on the number of residents, exclusive of staff, proposed to be housed in the facility, as set forth below:

<u>1 to 4 residents</u>	<u>minimum lot size for district where located</u>
5 to 8 residents	- Two (2) times the district minimum
9 to 12 residents	- Three (3) times the district minimum
12 or more	- Four (4) times the district minimum

- (h) As part of the application for Special Use Permit approval, the applicant shall submit a detailed description of the types of clients proposed to be served by the facility, a statement outlining proposed admission requirements and procedures, a description of the proposed facility staffing, a description of programs and services to be available to the residents of the facility (e.g., counseling, training, transportation, etc.), an identification of the licensing agency(s) for the proposed facility, and a statement from the applicable licensing agency that the proposed facility would be eligible for such a license if use permit authorization is given by the County.

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